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May 13, 2021

## **BY ECF**

The Honorable Pamela K. Chen, U.S.D.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Francis *ex rel.* K.K.S.F. v. Culley  
Case No. 1:20-cv-03326-PKC-RLM

Dear Judge Chen:

We represent Petitioner Christopher Sean Francis (the “Petitioner”), acting on behalf of infant child, K.K.S.F. (the “Child”) in the above-referenced proceeding. We write in accordance with the Court’s May 12, 2021 Text Order, in which the Court directed as follows:

By May 13, 2021 at 5:00 p.m., Petitioner’s counsel shall file a letter explaining (1) why the Court received the NYPD’s production from Petitioner’s counsel and not the NYPD, when the Court’s [162-2] Order that accompanied the subpoena to the NYPD directed that the documents be produced to the Court for *in camera* review and counsel’s [165] letter represented that the NYPD would “send the Court [its] production by Federal Express,” and (2) whether Petitioner’s counsel has reviewed and/or retained any of the materials sent to them by the NYPD.

For sake of clarity, the Court did not receive the NYPD’s production from Duane Morris LLP, nor has anyone at this firm ever had possession of the NYPD’s May 10, 2021 *in camera* production. Rather, on May 10, 2021, I called Officer Samuel Gonzalez, Esq. to inquire as to the status of NYPD’s *in camera* response to the Subpoena. Officer Gonzalez informed me that the NYPD’s CD-ROM production was “in the mail” to me. I reminded Officer Gonzalez that the NYPD production should be sent directly to the Court and offered to provide an electronic FedEx label to facilitate and expedite delivery to the Court for *in camera* inspection.

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In my May 10, 2021 email to Officer Gonzalez providing the FedEx label to the Court for his use, I stated as follows:

Thanks for your time today. Attached for your use is a pre-paid FedEx label to Judge Chen for you to send the CD-ROM for the Court's *in camera* review. I will notify the Court that we've asked that you create duplicate CD-ROMs to provide both sides once the Court approves.

Attached as Exhibit A is a true and correct copy of my email correspondence with Officer Gonzalez, along with a copy of the prepaid FedEx label I created using my firm's account. Unfortunately, due to the technical constraints of the online FedEx portal, I was unable to change the "sender" on the FedEx label to accurately reflect that the package was sent directly by Officer Gonzalez to the Court. I apologize for any confusion that this may have caused the Court.

For avoidance of doubt, at no time have I or anyone else from Duane Morris "reviewed and/or retained any of the materials sent to them by the NYPD," because the NYPD's May 10, 2021 *in camera* production was never sent to Duane Morris. As noted in our May 10, 2021 letter, "[d]ue to the volume of materials, the NYPD has also agreed to provide the Court with two additional copies of that production to make it easier for the Court to provide those documents to each of the parties." If this would be convenient to the Court, we can facilitate delivery of the duplicate disks to the Court in the same manner used with the NYPD's May 10, 2021 *in camera* production.

We appreciate Your Honor's attention to this matter.

Respectfully submitted,

By s/ Ralph Carter  
Ralph Carter

cc: All Counsel of Record (By ECF & Email)